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LOS ANGELES TIMES
26 October 1983

Lack of FBI Data in Spy Case Reported

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SAN FRANCISCO—Except for the word of suspected Silicon Valley spy James D. Harper Jr., FBI agents have not found solid evidence linking a second suspect, William B. Hugle, to a high-tech espionage plot in California, sources close to the investigation said Tuesday.

FBI spokesman John Holford would not comment on the probe, but others working on the case said that in order to prosecute Hugle, called "The Big Man" in an FBI affidavit, it must be shown that he knew that Harper intended to sell secrets to the Soviet Bloc when he arranged for Harper to meet Polish national Zdzislaw Przychodzien.

Przychodzien, named by the FBI as a Polish intelligence agent, did business with Hugle in 1974, and he was listed in the datebook of another man, Peter K. Gopal, who was convicted in 1981 of selling electronics secrets that eventually found their way to the Soviet Union.

Meanwhile, the FBI began to question Harper intensively on Monday, not last week as had earlier been reported, the sources said.

A federal grand jury at the same time continued its probe into the spy-ring allegations, which may involve half a dozen or more people who passed defense secrets to communist bloc agents from several private California military contractors.

Harper, 49, a Silicon Valley engineer, already has been charged by the FBI, but further FBI charges or grand jury indictments are not expected before next week, investigators said.

"These things are going to take a long time," said one source close to the case, indicating the investigation's complexity and the apparent difficulty in pinning down solid evidence.

Harper's lawyer, William Dougherty of Tustin, said last week that his client was talking to the FBI "every day" and that he had impli-

cated several other Americans in the sale of secrets to Polish agents, who would pass them on to the Soviet Union.

However, investigation sources said those early discussions were not enough to solidly implicate Hugle—or anyone else—as an accessory to espionage. Meanwhile, FBI agents were trying to turn up hard evidence that Hugle arranged

meetings knowing that Harper and perhaps some other people would sell classified documents to Poland.

Dougherty was reported conferring with his client here Tuesday and could not be reached for comment.

In an unusually detailed 33-page affidavit that concluded that Harper had sold U.S. ballistic missile defense secrets, the FBI last week named Hugle as the person suspected of bringing Harper and the Poles together.

However, that would be illegal only if Hugle knew that Harper was planning to sell secret papers, the sources said, and federal investigators are apparently having trouble proving that.

One possible method would be to prove the charge made in the affidavit that Hugle received one-third of the more than \$250,000 Harper is accused of getting from the Poles.

Harper is charged with selling secrets that he and his second wife, Ruby Louise Schuler, allegedly photocopied at Systems Control Inc., a Palo Alto electronics firm where Schuler worked as an executive secretary. An alcoholic who suffered from cirrhosis of the liver, Schuler died June 22 at age 39.

Hugle, a San Jose businessman, was called to testify before the grand jury on Oct. 17, but he refused to answer any questions because he said he did not want to incriminate himself, sources familiar with the secret testimony said.

Hugle reportedly was scheduled to appear before the grand jury again last Friday. He was available, other sources said, but was not called.